

EXHIBIT D

U.S. Department of Homeland Security
500 12th St. SW; STOP 5009
Washington, DC 20536-5009



U.S. Immigration
and Customs
Enforcement

October 20, 2011

CLAUDIA VALENZUELA
HEARTLAND ALLIANCE
NIJC
208 S. LASALLE ST. SUITE 1818
CHICAGO, IL 60604

RE: OPLA11-276, 2011FOIA8213

Dear Ms. Valenzuela:

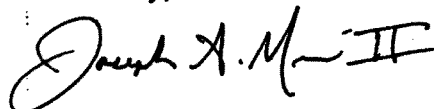
This is in response to your letter dated August 26, 2011, appealing the adverse determination in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request. The initial request asked for records regarding Intergovernmental services agreements (IGSAs) executed at any point after 2002 between ICE and DHS and any state, municipal, or county entity.

U.S. Immigration and Customs Enforcement (ICE) initially denied your request by returning a search of the ICE Office of Enforcement and Removal Operations which did not locate any records. However, you have appealed the adequacy of the search as returning no responsive documents. Our analysis follows.

The initial determination by ICE FOIA indicated that the records responsive to your request were available in the ICE FOIA Library at the relevant link. However, you indicated in your appeal that many IGSA's were not accounted for on the website. Additionally, no private entity examinations of ERO were located by you on the website. Although you are incorrect in asserting that MOU's are not located on the ICE FOIA Library, in examining the underlying request, no indication is given that a search was conducted beyond referring you to the ICE FOIA Library. As such, it is likely that additional responsive records may be found in locations the agency has not yet searched. We are therefore remanding your appeal to ICE FOIA for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents. This decision does not constitute a waiver of fees that may be assessed pursuant to the processing of your request on remand.

Should you have any questions regarding this appeal closure, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal", your appeal number, which is **OPLA11-276** and the FOIA case number, which is **2011FOIA8213**.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Mathias II". The signature is fluid and cursive, with the last name "Mathias" being more prominent.

for Susan Mathias
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
Department of Homeland Security